

HUMAN RESOURCES POLICY
Fauquier County, Virginia

Policy Title: Military Leave
Section No.: 2-L
12/16/2002

Effective Date: 7/1/2020
Supersedes Policy:

I. PURPOSE

It is the objective of the Board of Supervisors to grant military leave to employees for active duty in the armed services of the United States. It is also the Board's objective to grant military leave to former members of the armed services and current members of any United States reserve forces, the Commonwealth's militia, or the National Defense Executive Reserve.

II. SCOPE

This policy applies to all permanent full-time and permanent part-time employees.

III. PROCEDURES

A. Military Leave Requests And Approval

1. An employee who is leaving to perform military service shall provide advance written notice of the need for military leave to his/her immediate supervisor (including the best approximation of expected dates of the leave), unless it would be unreasonable to provide notice at that time or the employee is precluded by military necessity from providing notice.

2. When available, a copy of the employee's military orders may be requested by their supervisor.

3. Approved military leave requests must be submitted to the Human Resource Department within ten (10) days prior to the effective date of the leave request.

B. Periods Of Non-Emergency

1. During a time of non-emergency, a permanent employee who is a member of the National Guard or an organized military reserve of the United States shall be entitled to up to fifteen (15) workdays during any one federal fiscal year to attend federally funded military duty, including duty for training.

2. Employees on paid military leave shall be paid their full gross salaries for regularly scheduled work hours during this period.
3. In the event that flexibility exists with respect to scheduling the time of such military duty or training, the time shall be designated at the discretion of the employee's supervisor.
4. An employee shall be entitled to leave with pay not to exceed one (1) day to report for a selective service physical examination.
5. Leave to report for a selective service physical examination shall be included as part of the fifteen (15) days of military leave allowed each Federal fiscal year.

C. Periods of National Emergency

1. Pay Status

- a. A permanent employee who voluntarily leaves County Government service to join the military forces of the United States during a time of war or other national emergency shall be placed on military leave without pay for up to five (5) years).
- b. If a regular employee's uniformed services gross base salary is less than the employee's County gross base salary, the employee may request supplemental pay. Supplemental pay provides the amount necessary to bring the employee's monthly gross base salary to the gross base salary earned as a County employee at the time of recall to service in uniformed services.
- c. If the military pay exceeds the employee's County Government rate of pay, the County Government shall not pay the employee salary during that portion of leave.
- d. An employee must provide their Leave Earning Statement (or equivalent) in order to receive supplemental pay. An employee is entitled to receive a maximum total of two (2) years of supplemental pay. Employees who are receiving supplemental pay are on unpaid military leave for purposes of benefits under this policy.
- e. Military leave without pay may extend until ninety (90) days after the employee is relieved from military service.

- f. At his/her discretion, an employee may retain all or a portion of his/her accrued annual leave or compensatory leave, up to the allowable maximum, or be paid for the accrued leave prior to beginning military leave without pay.
- g. An employee who has three or more years of continuous County Government employment at the time military leave without pay begins may retain his/her sick leave balances (which shall be reactivated upon reinstatement to County Government service), or be paid on the prorated pay out schedule for sick leave.
- h. An employee will not accrue annual or sick leave during military leave without pay status.

2. Benefits

A permanent employee who leaves County Government service to join the military forces of the United States, or is drafted, during a time of war or other national emergency shall be extended the following benefits:

- a. If an employee earns any pay in the months in which military leave without pay begins or ends, the County Government shall make retirement contributions based on the employee's full monthly base salary. Contributions will be discontinued for the balance of time the employee is on military leave without pay.
- b. Health insurance benefits shall continue for the employee as long as the employee pays his/her health insurance premiums. Should the employee choose not to continue health insurance coverage through the County Government, the employee shall be allowed to re-enroll in the health insurance program upon return to County Government service.
- c. The employee may submit an application to the Virginia Retirement System for Free Service Credit for Military Leave upon his/her return to work at the end of the leave period.
- d. The employer/employee portion of the Life Insurance premium provided through the Virginia Retirement System shall be paid by the County Government for a maximum of two years from the date military leave without pay begins.

3. Reinstatement From Military Service

- a. An employee shall be entitled to reinstatement to his/her vacated job position in accordance to the following schedule:
 - 1. If the period of service is less than 31 days, the employee must report back to work no later than the beginning of the next regularly scheduled workday after the military duty, including travel time and 8-hour rest period, is completed.
 - 2. If the period of service is more than 30 days but less than 181 days, the employee must report back to work no later than 14 calendar days after completing service.
 - 3. If the period of service is more than 180 days, the employee must report back to work no later than 90 days after completing service.
 - 4. If the employee is hospitalized or convalescing from an injury or illness incurred during the period of service, then the time for the employee to report to work will be extended.
- b. An employee returning to his/her previous position from military leave shall be reinstated to his/her former job at the same salary level he/she had attained when placed on military leave in accordance to the following conditions:
 - 1. The employee has been absent to perform military service.
 - 2. The employee provided reasonable notice of military orders prior to leaving for military service.
 - 3. The employee did not exceed the cumulative limit of five (5) years of military service.
 - 4. The employee has been released from military service in conditions other than dishonorable.
 - 5. The employee reported back to the employer in a timely fashion and submitted an application for reemployment.
- c. Reasonable efforts (such as training or retraining) will be made to enable returning service members to refresh or upgrade their skills to help them qualify for reemployment.
- d. An employee returning to his/her previous job position from military leave shall receive all merit and/or general salary increases

he/she normally would have received had he/she remained on the job.

- e. In the event that the vacated position no longer exists, the employee shall be entitled to re-employment in another position of the same classification in the County Government service, provided such re-employment does not necessitate the laying off of another employee who was hired at an earlier date than the employee returning from military leave.
- f. If such a comparable position is not available, the employee shall be considered affected by a reduction in force and the provisions of the Reduction In Force policy shall apply.